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2/24/04
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mattar Neto et al.

Examiner: Weiss Jr., Joseph Francis

Serial No: 09/838,863

Group Art Unit: 3761

Filed: April 20, 2001

File Ref. No.: 70317.1200

For: Secretion Suctioning Device and Kit for Intubated Patients

To: Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

Applicant submits in connection with the above-referenced application a supplemental Information Disclosure Statement (IDS), along with copies of non-U.S. patent references, in accordance with 37 C.F.R. § 1.98. Applicant respectfully requests that the references listed in the supplemental IDS be made of record in the application. Applicant believes no fees are due under benefit of 37 C.F.R. § 1.97(b)(4), but authorizes any fees to be charged to Hughes Hubbard & Reed Deposit Account No. 08-3264.

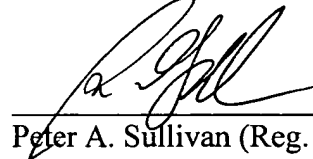
Applicant submits the following concise explanation of the relevance of the Grossi reference in foreign language that is listed in the supplemental IDS:

GROSSI, "Closed Endotracheal Suction System For The Prevention Of Hypoxemia," Rev. Esc. Enfermagem USP, 1995, 29:1 26-33

A review study on the practical aspects of the subject, proving that closed suctioning was more effective than open suctioning in the maintenance of the carbonic gas blood partial pressure (PaCO₂) in most of the patients studied.

Dated: February 24, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter A. Sullivan', is written over a horizontal line.

Peter A. Sullivan (Reg. No. 38,327)

HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, NY 10004-1482
(212) 837-6000

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	4
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Complete if Known

Application Number	09/838,863
Filing Date	4/20/2001
First Named Inventor	Mattar Neto
Group Art Unit	3761
Examiner Name	Weiss Jr., Joseph Francis
Attorney Docket Number	70317.1200

U.S. PATENT DOCUMENTS

Examiner Initials [*]	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	8	3,902,500		Dryden	09-02-1975	
	9	4,351,328		Bodai	09-28-1982	
	10	4,569,344		Palmer	02-11-1986	
	11	4,696,296		Palmer	09-29-1987	
	12	4,805,611		Hodgkins	02-21-1989	
	13	4,825,859		Lambert	05-02-1989	
	14	4,834,726		Lambert	05-30-1989	
	15	4,836,199		Palmer	06-06-1989	
	16	4,838,255		Lambert	06-13-1989	
	17	4,850,350		Jackson	07-25-1989	
	18	4,938,199		Sato et al.	07-03-1990	
	19	4,938,741		Lambert	07-03-1990	
	20	4,967,743		Lambert	11-06-1990	
	21	4,981,466		Lambert	01-01-1991	
	22	5,025,806		Palmer et al.	06-25-1991	
	23	5,029,580		Radford et al.	07-09-1991	
	24	5,065,754		Jansen	11-19-1991	
	25	5,073,164		Hollister	12-17-1991	
	26	5,083,561		Russo	01-28-1992	
	27	5,088,486		Jinotti	02-18-1992	

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner
Signature

Date	
Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 4

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	29	5,107,829		Lambert	04-28-1992	
	30	5,125,893		Dryden	06-30-1992	
	31	5,133,345		Lambert	07-28-1992	
	32	5,134,996		Bell	08-04-1992	
	33	5,140,983		Jinotti	08-25-1992	
	34	5,220,916		Russo	06-22-1993	
	35	5,269,756		Dryden	12-14-1993	
	36	5,279,549		Ranford	01-18-1994	
	37	5,325,851		Raynolds et al.	07-05-1994	
	38	5,337,780		Kee	08-16-1994	
	39	5,368,017		Sorenson et al.	11-29-1994	
	40	5,445,141		Kee et al.	08-29-1995	
	41	5,449,348		Dryden	09-12-1995	
	42	5,460,613		Ulrich	10-24-1995	
	43	5,582,165		Bryan et al.	12-10-1996	
	44	5,598,840		Lund et al.	02-04-1997	
	45	5,642,726		Owens et al.	07-01-1997	
	46	5,715,815		Lorenzen et al.	02-10-1998	

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Date	
Considered	

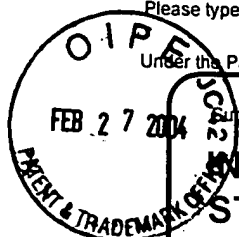
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	3	of	4
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Attorney Docket Number	70317.1200

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OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	47	CARLON ET AL., "Evaluation Of A Closed-Tracheal System," Critical Care Medicine, 1987, Volume 15, Pages 522-525.	
	48	CLARK ET AL., "Effects Of Endotracheal Suctioning On Mixed Venous Saturation And Heart Rate In Critically Ill Adults," Heart & Lung, 1990, Volume 19, Pages 522-557.	
	49	CZARNIK ET AL., "Differential Effects Of Continuous Versus Intermittent Suction On Tracheal Tissue," Heart & Lung, 1991, Volume 20, Pages 144-151.	
	50	DEPPE ET AL., "Incidence Of Colonization, Nosocomial Pneumonia, And Mortality In Critically Ill Patients Using a Trach Care Closed-Suctioning System Versus An Open- Suction System: Prospective, Randomized Study," Critical Care Medicine, 1990, Volume 18, Pages 1389-1393.	
	51	JOHNSON ET AL., "Closed Versus Open Endotracheal Suctioning: Cost And Physiologics Consequences," Critical Care Medicine, 1994, Volume 22, Pages 658-666.	
	52	MATTAR ET AL., "A Clinical Comparison Between Cardiac Output Measured By Thermodilution Technique And Noninvasive Thoracic Electrical Bioimpedance," Acute Care, 1986, Volume 12, Pages 58-60.	
	53	MATTAR ET AL., "The Effects On Oxygen Transport With Varying Respiratory Flow Waveforms In Critically Ill Patients," Critical Care Medicine, 1997, Volume 25 (Suppl), Page A36.	
	54	MATTAR ET AL., "Sistolic And Diastolic Time Intervals In Critically Ill Patients," Critical Care Medicine, 1991, Volume 19, Pages 1392-1398.	
	55	MATTAR ET AL., "A Comparative Study Of Oxygen Transport Ruring Open And Closed Methods Of Tracheal Suctioning," Intensive & Critical Care Digest, 1992, Volume 11, Pages 57-58.	
	56	MATTAR, "Noninvasive Cardiac Output Determination By Thoracic Electrical Bioimpedance," Intensive & Critical Care Digest, 1988, Volume 7, Pages 14-18.	
	57	RAYMOND, "Normal Saline Instillation Before Suctioning Helpful Or Harmful: A View Of the Literature," American Journal Of Critical Care, July 1995, Volume 4, Pages 267-271.	

Examiner Signature		Date Considered	
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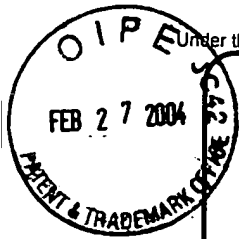
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Sheet

4

of

4

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Filing Date	04-20-2001
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First Named Inventor	Mattar Neto
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Group Art Unit	3761
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Examiner Name	Weiss Jr., Joseph Francis
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Attorney Docket Number | 70317.1200

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

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